

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
SEAN TAPP,

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Plaintiff,

9:05-CV-1479  
(NAM)(DEP)

v.

R. TOUGAS, CO; WINSLOW, CO; B. SANTINI-CORREAN,  
Medical Examiner; J. RANDO, CO; MICHAEL, Sgt.;  
SHARROW, CO; MR. HARVEY, Hearing Officer; DONALD  
SELSKY; MS. JONES,

Defendants.

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APPEARANCES:

SEAN TAPP  
Plaintiff, pro se

DAVID E. PEEBLES, MAGISTRATE JUDGE

### ORDER

The Clerk has sent to the court a civil rights Complaint, together with an Application to Proceed in Forma Pauperis, filed by Sean Tapp.<sup>1</sup> Plaintiff is currently incarcerated at Southport Correctional Facility.

In his pro se Complaint, Plaintiff asserts several claims arising out of an incident at Great Meadow Correctional Facility on June 24, 2005. Dkt. No. 1 at 2. Plaintiff claims that he was assaulted by Defendants Tougas and Winslow and seriously injured. Plaintiff further claims that Defendant Sgt. Michael failed to intervene and protect him from this assault, and that Defendant Santini-Correan denied Plaintiff proper medical care for his injuries. Id. According to Plaintiff, a false misbehavior charge was filed against him relating this incident. Plaintiff claims that the disciplinary proceedings

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<sup>1</sup> Plaintiff has filed other civil rights actions in the Northern District, one of which is pending. Tapp v. Taylor, 9:05-CV-1442 (LEK/DRH) (pending); Tapp v. Champagne, 9:04-CV-0940 (FJS/GHL) (closed); Tapp v. Simmons, 9:99-CV-0484 (NAM/RFT) (closed).

violated his constitutional due process rights. Id. at 3. For a complete statement of Plaintiff's claims, reference is made to the Complaint.

As to Plaintiff's Application to Proceed in Forma Pauperis, after reviewing the file, the Court finds that Plaintiff may properly proceed with this matter in forma pauperis.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's Application to Proceed In Forma Pauperis is granted.<sup>2</sup>

The Clerk shall issue summonses and forward them, along with copies of the Complaint, to the United States Marshal for service upon the Defendants. The Clerk shall forward a copy of the summons and Complaint to the Office of the New York State Attorney General, together with a copy of this Order, and it is further

ORDERED, that the Clerk provide the Superintendent of the facility, designated by Plaintiff as his current location, with a copy of Plaintiff's Inmate Authorization Form (Dkt. No. 6),<sup>3</sup> and notify the official that this action has been filed and that Plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915, and it is further

ORDERED, that the Clerk provide a copy of Plaintiff's Inmate Authorization Form to the Financial Deputy of the Clerk's Office, and it is further

ORDERED, that a response to the Complaint be filed by the Defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process

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<sup>2</sup> Plaintiff should note that although his Application to Proceed in Forma Pauperis has been granted, he will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

<sup>3</sup> Plaintiff initially filed an Authorization Form which incorrectly stated the filing fee to be \$150.00. Dkt. No. 3. A proper form (Dkt. No. 6) has been filed. The Clerk is directed to strike Plaintiff's original form (Dkt. No. 3) from the docket.

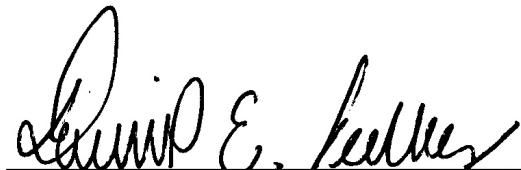
on the Defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

**Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing.** Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on Plaintiff by regular mail.  
IT IS SO ORDERED.

Dated: January 19, 2006  
Syracuse, New York

  
David E. Peebles  
U.S. Magistrate Judge